



# MICHIGAN CHAPTER

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## MEMO

To: Members of the House Agriculture Committee  
From: Gayle Miller, Sierra Club Legislative Director  
Re: MAEAP  
Date: February 9, 2011

Since the topic of today's committee meeting is the Michigan Agriculture Environmental Assurance Program (MAEAP), Sierra Club would like to provide you with some information and concerns we have with this voluntary program, along with some pertinent questions that should be posed to today's speakers.

Sierra Club does not oppose MAEAP. It's a good educational program for most farms. For large CAFOs, however, MAEAP is not adequate – or even necessary. Since the environmental standards are more stringent under the National Pollution Discharge Elimination System (NPDES) permit, and all large CAFOs are required to have a permit, it makes little sense for livestock operators to spend time and money becoming MAEAP verified.

Despite its good intentions, MAEAP's livestock component has severe problems and fails to adequately protect Michigan's water resources and public health. Please see the attached documents from the MI Department of Natural Resources & Environment (formerly the DEQ) and the EPA which itemizes the deficiencies of MAEAP compared to the federal NPDES permit.

The NPDES permit establishes outcome-based, measurable standards that prohibit and prevent pollution. The effectiveness of the permit is measured by whether or not a CAFO pollutes. Penalties exist for failure to comply with the permit standards, providing a significant incentive to remain in compliance.

MAEAP, on the other hand, establishes guidelines for behavior, such as how waste should be applied to soils, without prohibiting pollution and without measuring whether the guidelines actually prevent pollution. A CAFO can be MAEAP verified while causing significant water pollution. There are no penalties in MAEAP for polluting, and there is no way to un-verify a CAFO under MAEAP, despite repeated pollution discharges.

Several questions should be posed to the MDA and/or Farm Bureau regarding MAEAP:

1. Both the DNRE/DEQ (Nov. 1, 2007) and the EPA (June, 2006) have determined that MAEAP is weaker than the NPDES permit. What changes have been made to the MAEAP program to address the weaknesses identified by these two agencies?
2. Why does it make sense to spend state funds to administer a program (the livestock component) that fails to meet the minimum standards set by state and federal law?

3. There are about 252 livestock facilities on the MAEAP-verified list (see attachment), and of those facilities, 143 (or 57%) are overdue for re-verification. Why have so many facilities not been re-verified as required by the program? Why are they still listed as “verified” if they haven’t been re-verified? Have these farms not bothered to apply for re-verification, or is there a backlog in processing their requests?
4. There are numerous MAEAP-verified livestock facilities that have had water quality violations bad enough to have resulted in fines. Why are they still listed as being verified under MAEAP? How many more MAEAP farms have been cited for pollution violations, but not fined?
5. What measurable criteria are used to determine whether or not MAEAP is helping a livestock operator prevent pollution? Is there any water testing done for E-coli bacteria, cryptosporidium or any other non-visible water contaminants? Are you testing for air pollution? Do you test groundwater to ensure that sewage pits are not leaking?
6. Please describe the process of un-verifying a MAEAP verified CAFO that has had consistent water pollution discharges.
7. How many environmental representatives or scientists (whose primary job is to protect Michigan’s natural resources and public health) are on the MAEAP livestock advisory committee?
8. Are MAEAP documents available for public review? Does the public have any kind of opportunity to comment on the farming practices suggested in MAEAP?
9. Since MAEAP is weaker than the permit, has any research been done to see if the GAAMPS or MAEAP guidelines have actually been the *cause* of a violation?

The Sierra Club supports MAEAP for smaller farms as a way to encourage environmental stewardship. However, as stated in the EPA memo, MAEAP is inadequate for large CAFOs. MAEAP standards for livestock facilities need to be dramatically improved so that this voluntary program *exceeds* state and federal standards for air and water quality. Only then does it make sense to provide any kind of incentives or rewards for participants who exhibit exceptional environmental stewardship.

Sierra Club is available at any time to answer your questions about MAEAP or to provide a more comprehensive overview of the CAFO pollution problems we document in Michigan. Thank you.